

U.S. Patent Application Serial No.: 10/622,988  
Amendment dated January 26, 2007  
Reply to Official Action dated October 26, 2006

RECEIVED  
CENTRAL FAX CENTER

JAN 26 2007

REMARKS

The Official Action dated October 26, 2006 has been carefully considered. Accordingly, it is believed that the present Amendment places this application in condition for allowance. Reconsideration and an early allowance are requested.

By the present Amendment, the specification has been amended to correspond with the abstract and the claims. Further, the claims have been amended to more clearly recite the invention. It is believed that these changes do not involve any introduction of new matter, whereby their entry is believed in order and is respectfully requested.

Claims 31-46, 48-60, 62-73, 75 and 77-80 are pending in this application, with claims 38, 48, 49, 53-55, 65, 66 and 76 having been withdrawn from consideration as directed to a nonelected species. Once generic claim 31 has been allowed, rejoinder and allowance of these withdrawn claims is respectfully requested.

In the Official Action, the Examiner objected to both the specification and claims. With respect to the specification, the Examiner asserted that the specification does not provide antecedent basis for "the guiding surfaces having less curvature than the unstretched legs" or "the flexible sheet encircling the lens optic." The Examiner's attention is directed to the Abstract of the application which clearly recites that the guiding surfaces have less curvature than the unstretched legs. The specification has also been amended at page 8, line 15, to similarly describe the length of the guiding surface as having less curvature than the haptic legs. Claim 74 reciting the flexible sheet as encircling the lens optic has been cancelled. It is therefore submitted that the objections to the specification have been overcome. Reconsideration is respectfully requested.

In the claim objections, the Examiner asserted that claim 31 is unclear in what makes up the claimed lens guiding arrangement for the elected embodiment of Fig. 4. The Examiner's attention is directed to the specification at page 18 which indicates that the picker

U.S. Patent Application Serial No.: 10/622,988  
Amendment dated January 26, 2007  
Reply to Official Action dated October 26, 2006

420 and channel 456 provide the lens guiding arrangement. The Examiner also objected to claims 46 and 51 as reciting features on the fixture rather than the claimed device. These claims have been amended to address the Examiner's objections and clarify the features of the claimed device. It is therefore submitted that the objections to the claims have been overcome. Reconsideration is respectfully requested.

Claims 31-37, 39-47, 50-52, 56-64, 67-75 and 77-80 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner asserted that various claim elements lacked antecedent basis. The Examiner's comments have been carefully considered, and it is believed that the claims presented herein are definite in accordance with the requirements of 35 U.S.C. §112, second paragraph, whereby the rejection has been overcome. Reconsideration is respectfully requested.

The drawings were also been objected to by the Examiner. The Examiner asserted that the fixture arrangement of claim 47, the flexible sheet of claim 74 and the automated handles (claim 61) must be shown or cancelled from the claims. As claims 47, 61 and 74 have been cancelled, it is believed that the objection has been overcome. Reconsideration is respectfully requested.

Finally, claims 31-37, 39-42, 44-47, 50, 56-58, 60-64, 67-75 and 77-80 were rejected under 35 U.S.C. §102(b) as being anticipated by the Kelman U.S. Patent No. 5,190,552. The Examiner asserted that Kelman discloses an intraocular lens injector for receiving a lens with haptics 42, the lens is placed on a seat 33 with the haptics placed into guiding surfaces 34, and the lens is pushed forward to drive the haptics up ramped guiding surfaces 11.

Applicants respectfully traverse the rejection and request reconsideration of the patentability of present claims 31-37, 39-42, 44-47, 50, 56-58, 60-64, 67-75 and 77-80. According to claims 31 and 75, the present invention is directed to a device for stretching the haptics of a deformable intraocular lens, the lens in un-deformed state comprising a) a

U.S. Patent Application Serial No.: 10/622,988  
Amendment dated January 26, 2007  
Reply to Official Action dated October 26, 2006

roughly disc shaped optic part, defining an optic plane and a concentric optic axis normal to the plane, configured to act as a lens when inserted into an eye, and b) at least two elongated haptic legs, each leg having an inner end attached to the optic part, an outer end being free and intermediate points in between the inner end and the free end, each leg being curved in unstressed state, the curvature defining a curve plane for each leg, and being flexible to at least a less curved configuration under stress. The device comprises i) at least two haptic guiding surfaces respectively arranged for the at least two haptic legs, the guiding surfaces having less curvature than the legs in un-stressed state, and ii) a seat for the lens arranged with respect to the guiding surfaces so as to allow, when a lens is positioned in the seat, contact between a first point on each leg and its corresponding guiding surface. According to claim 31, the device further comprises iii) a lens guiding arrangement allowing the lens to be moved along a path bringing at least a second point on each leg into contact with, or closer to, its corresponding guiding surface, to orient each leg to a less curved state. According to claim 75, the device further comprises iii) a transfer opening allowing passage of the lens with the haptics, having said less curvature, to a receptacle.

In contrast, Kelman discloses an injector 1 which includes a hollow open-ended, slotted longitudinal tube 3 at its injection end. Tube 3 has rear and forward ends 8 and 9 interconnected by a longitudinal bore 10 and a continuous longitudinal central top slot 11 extending from end 8 to end 9 and communicating bore 10 with the tube exterior. Slot 11 permits haptics 42 to protrude freely to the tube exterior from lens 40 when the lens is folded in bore 10 (column 5, lines 47-58 and Figs. 1, 4, 5, 7 and 8). Fig. 5 is particularly illustrative to show that the haptics 42 extend freely through slot 11. Accordingly, Kelman does not disclose a device for stretching the haptics of a deformable intraocular lens and particularly does not disclose a seat and lens guiding arrangement as recited in claim 31 or a seat and transfer opening as recited in claim 75.

U.S. Patent Application Serial No.: 10/622,988  
Amendment dated January 26, 2007  
Reply to Official Action dated October 26, 2006

Anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference, *In re Robertson*, 49 U.S.P.Q. 2d 1949, 1950 (Fed. Cir. 1999). In view of the deficiencies in the teachings of Kelman with respect to the devices of claims 31 and 75, including, *inter alia*, Kelman's failure to teach a device for stretching the haptics of a deformable intraocular lens and particularly a seat and lens guiding arrangement as recited in claim 31 or a seat and transfer opening as recited in claim 75, Kelman does not describe, either expressly or inherently, each and every limitation as set forth in the present claims. Thus, Kelman does not anticipate the present claims under 35 U.S.C. §102. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the objections and rejections set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

By:

  
Holly D. Kozlowski, Reg. No. 30,468  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8568

1345806v1